



Docket No.: 1293.1989

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Jae-bum JANG

Serial No. 10/734,134

Group Art Unit: 2627

Confirmation No. 9205

Filed: December 15, 2003

Examiner: Tan X. Dinh

For: METHOD OF ELIMINATING HOME-IN NOISE IN OPTICAL DISC DRIVE BY USING  
VARIABLE STEP COUNTER

**COMMUNICATION TO THE EXAMINER**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant filed an Information Disclosure Statement (IDS) on March 8, 2005. A copy of that IDS is attached, along with a copy of the Form PTO-1449 that accompanied the IDS. A copy is also attached of the Form PTO-1449 that accompanied the Office Action dated June 12, 2007. The PTO-1449 indicates that item AM of the corresponding IDS was NOT considered. Item AM is a translation of an Office Action for the corresponding Korean application. In a July 29, 2008 phone conference with Applicant's representative, the Examiner agreed to provide a statement acknowledging his consideration of the Korean Office Action in his response to the amendment to be filed under 37 CFR §1.312. However, the amendment under 37 CFR §1.312 was never filed because the error was instead corrected in the Supplemental Notice of Allowability mailed August 8, 2008.

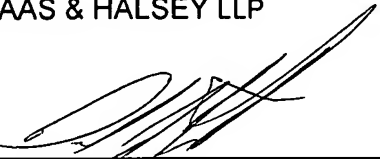
Serial No. 10/734,134

Accordingly, Applicant respectfully requests that the Examiner return a copy of the Form PTO-1449, which accompanied the IDS filed March 8, 2005, marked to confirm the Office's consideration of the document listed at AM on that form.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Oct. 9, 2008

By:   
David J. Cutitta  
Registration No. 52,790

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501



Attorney Docket No. 1293 1989

**COPY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Jae-bum JANG

Application No.: 10/734,134

Group Art Unit: 2655

Filed: December 15, 2003

Examiner:

For: METHOD OF ELIMINATING HOME-IN NOISE IN OPTICAL DISC DRIVE BY USING  
VARIABLE STEP COUNTER

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information that the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copy(ies) of IDS citation(s), except for U.S. Patents and U.S. Patent Application publications.
- 1c. ☒ English language translation of Korean Office Action.
- 1d. ☒ English language translation (Abstract Only) attached to non-English language publications as indicated on the attached Form PTO-1449.
- 1e. ☐ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of non-English publications.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☐ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☒ This Information Disclosure Statement is filed under 37 CFR § 1.97(b):

(Check either Item 2a or 2b or 2c or 2d)

- 2a. ☐ Within three months of the filing date of a national application;
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☒ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND
- (Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)*
- 3a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; OR
- 3b. ☐ The \$180.00 fee set forth in 37 CFR § 1.17(p) is:
- ☐ enclosed.
- ☐ to be charged to Deposit Account No. 19-3935.
4. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND
- 4a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; AND
- 4b. ☐ The \$180.00 fee set forth in 37 CFR § 1.17(p) is:
- ☐ enclosed.
- ☐ to be charged to Deposit Account No. 19-3935.
5. ☐ Statement under § 1.97(e) *(applicable if Item 3a or Item 4a is checked)*
- (Check either Item 5a or 5b)*
- 5a. ☐ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
6. ☐ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).
- (Check appropriate Items 6a and/or 6b)*
- 6a. ☐ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. \_\_\_, filed on \_\_\_, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).
- 6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. \_\_\_, filed on \_\_\_, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

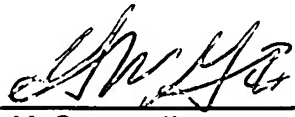
7. ☐ This is a Request for Continued Examination under 37 CFR § 1.114.  
(Check either Item 7a or 7b)
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A Request for Continued Examination under 37 CFR § 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.114(a), respectively.
8. ☐ This is a Supplemental Information Disclosure Statement.  
(Check either Item 8a or 8b)
- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on \_\_\_\_\_. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on \_\_\_\_\_.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR §§ 1.97 and 1.98, mailed \_\_\_\_\_.
9. ☐ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:  
(Check appropriate Items 9a, 9b, 9c and/or 9d)
- 9a. ☐ satisfied for the non-English language publication(s) cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed., Rev. 2)
- 9b. ☐ set forth in the application.
- 9c. ☐ satisfied for the non-English language publication(s) indicated on the attached Form PTO-1449 as having an English language translation (complete or relevant portion(s)) attached thereto.
- 9d. ☐ enclosed as Attachment 1(e), hereto.
10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Dated: March 8, 2005  
1201 New York Ave., N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

By:   
Gene M. Garner, II  
Registration No. 34,172



**COPY**

Sheet 1 of 1

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.

1293.1989

APPLICATION NO.

10/734,134

FIRST NAMED INVENTOR

Jae-bum JANG

FILING DATE

December 15, 2003

GROUP ART UNIT

2655

**INFORMATION DISCLOSURE STATEMENT**

(Use several sheets if necessary)

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	COUNTRY	TRANSLATION YES NO		ABSTRACT
	AG	1998-0015954	11/30/98	Korea		X	Only
	AH						
	AI						
	AJ						
	AK						
	AL						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

TRANSLATION  
YES NO

	AM	English Translation of Korean Office Action	X	
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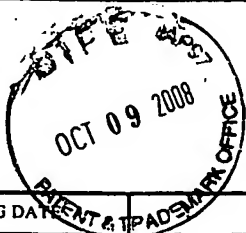
EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



# UNITED STATES PATENT AND TRADEMARK OFFICE



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,134

12/15/2003

Jac-Bum Jang

1293.1989

9205

21171 7590 06/12/2007  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



**Office Action Summary**



Application No.:

10/734,134

Examiner

TAN X. DINH

Applicant(s)

JANG JAE BUM

Art Unit

2627

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 4-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1) Applicant's election of Group I (claims 1-14) in the reply filed on 3/26/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 15-18 are withdrawn from further consideration by the examiner.

2) The I.D.S filed 3/08/2005 and 11/20/2006 have been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

3) Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5) Claims 1-3,10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEE (Korea, P1991-0008507).

LEE discloses a method of eliminating home-in noise of an optical disc drive without a home limit switch and using a variable step counter, as claimed in claim 1, comprising the step of driving a servomechanism at the position of the optical pickup and then reading a sub-code value of the optical disc to confirm a current position of the optical pickup ( abstract ), calculating a number of tracks from the current position of the optical pickup to a home position and converting the number of tracks into a step counter value to obtain a step counter value of the home position ( abstract ), and moving the optical pickup to the home position through an access operation, wherein the step counter value of the home position is an integer varying depending on the position of the optical pickup when power is applied ( abstract ), except to specifically show the step of resetting the variable step counter, to zero regardless of a position of the optical pickup, when power is applied to the optical disc drive. However, the step of

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resetting the variable step counter to zero regardless of a position of the optical pickup is old and widely used in the optical recording art, evidence disclosed in the applicant's specification, page 3, paragraphs [0012] to [0015]. Therefore, one of ordinary skill in the art at the time of the invention was made would have been motivated to use the reset step in LEE's optical disc device for resetting the variable step counter to zero when power is applied to optical pick-up as claimed.

As to claim 2, the home position at 00:02:00 is inherent in every optical disc recording medium.

As to claim 3, it would have been obvious to keep the optical pick-up at current position in LEE's optical disc driver when power is applied to optical disc drive since by moving optical pick-up without loading, optical disc will create noise during

Claim 10 is rejected with the same reasons set forth in claim 1 above.

As to claims 11-14, the step of converting number of tracks into step counter value, reading sub-code for confirming the current position of the optical pick-up and the counter value of home position is an integer varying are old and widely used optical recording art.

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6) Claims 4-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims ( if the rejection involves with any applicable arts ), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form PTO-892 is attached herein.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 9:00AM to 5:00PM.


The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

Application/Control Number: 10/734,134  
Art Unit: 2627.

 Page 6

obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**TAN DINH**  
**PRIMARY EXAMINER**  
June 6, 2007

COPY

Sheet 1 of 1

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.

1293.1989

APPLICATION NO.

10/734,134

FIRST NAMED INVENTOR

Jae-bum JANG

FILING DATE

December 15, 2003

GROUP ART UNIT

2655

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	TRANSLATION YES NO		ABSTRACT
/TD/	AG	1998-0015954	11/30/98	Korea		X	Only
	AH						
	AI						
	AJ						
	AK						
	AL						

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

				TRANSLATION YES NO	
	AM	English Translation of Korean Office Action		X	

EXAMINER

/Tan Dinh/

DATE CONSIDERED

05/31/2007

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet 1 of 1

FORM PTO-1449a U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO.	APPLICATION NO.
	1293.1989	10/734,134
	FIRST NAMED INVENTOR	
	Jae-bum JANG	
	FILING DATE	GROUP ART UNIT
	December 15, 2003	<del>2655</del> 2627

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	TRANSLATION YES NO		ABSTRACT
/TD/	AG	1264894	08/30/00	CN	X		
↓	AH	85101944	01/17/87	CN		X	
↓	AI	1147131	04/09/97	CN	X		
/TD/	AJ	8-96535	04/12/96	JP		X	X
	AK						
	AL						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

TRANSLATION  
YES NO

	AM			
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EXAMINER	DATE CONSIDERED
/Tan Dinh/	05/31/2007
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



**Notice of References Cited**

Application/Control No.

10/734,134

Applicant(s)/Patent Under

Reexamination

JANG, JAE-BUM

Examiner

TAN X. DINH

Art Unit

2627

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,445,649 b1	09-2002	Saito et al.	369/30.1
*	B	US-5,608,702 a	03-1997	Yano et al.	369/53.22
*	C	US-4,644,514	02-1987	Ohshima et al.	369/30.27
*	D	US-4,627,043	12-1986	Uehara, Tsukasa	369/215.1
*	E	US-5,661,705	08-1997	Kunikata et al.	369/44.28
*	F	US-5,566,148 a	10-1996	Takahara et al.	369/30.16
*	G	US-5,222,054 a	06-1993	Muraoka et al.	369/30.15
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.